

-2-

GB999141US1

REMARKS

Claims 1-14 were originally presented in the subject application. No claims have herein been amended, added or canceled. Therefore, claims 1-14 remain in this case.

Applicants respectfully request reconsideration and withdrawal of the grounds of rejection.

35 U.S.C. §102 Rejection

The Office Action rejected claims 1, 4, 7 and 10-12 under 35 U.S.C. §102(b), as allegedly anticipated by Hasebe et al. (U.S. Patent No. 5,392,351). Applicants respectfully, but most strenuously, traverse this rejection.

With respect to the anticipation rejection, it is well settled that a claimed invention is not anticipated unless a single prior art reference discloses: (1) all the same elements of the claimed invention; (2) found in the same situation as the claimed invention; (3) united in the same way as the claimed invention; (4) in order to perform the identical function of the claimed invention. In this instance, Applicants submit that Hasebe et al. fails to disclose at least one element of each of the independent claims and as a result does not anticipate, or even render obvious, applicants' invention.

As an initial matter, it appears the teaching of Hasebe et al. may have been misinterpreted. Hasebe et al. teaches a scenario whereby a vendor creates a storage medium that includes encrypted software and all the information necessary, including the medium number, for a licensed user of the software to access the same. The storage medium is then sent to the licensed user. It is Applicants' understanding that no communication from the licensed user's computer to a server or other computer of the vendor is necessary for the licensed user to access the software. The point of the Hasebe et al. scheme is the addition of the medium number to ensure that an unauthorized third party cannot access the encrypted software.

Claim 1 recites, for example, "...data stored in an encoded form on a first data processing apparatus[.]" Against this aspect of claim 1, it is not at all clear what element in the Hasebe et al. scenario is being alleged to read on the first data processing apparatus. The final Office Action

-3-

GB999141US1

cites to column 7, line 19 of Hasebe et al. This section of Hasebe et al. describes the process of a user getting the plain text software from the encrypted software on the storage medium, and repeated access thereto. However, Applicants submit that a storage medium is not a data processing apparatus. If the intent of the final Office Action was to cite the vendor's computer where the software presumably exists when the user initially orders it, Applicants submit there is no disclosure, teaching or suggestion that the program exists in an encoded form on the vendor's computer, only that it is encrypted for placement on the storage medium that is then sent to the user.

As another example, claim 1 recites sending a request from a decoding controller on the first data processing apparatus to a second data processing apparatus to determine attributes of a decoding process for accessing the encoded data.

This aspect of claim 1 first recites a decoding controller on the first data processing apparatus. As noted above, the final Office Action fails to specifically identify an element in Hasebe et al. that reads on the claimed first data processing apparatus. In this case, the first data processing apparatus must also comprise a decoding controller. Again, however, there is no specific cite in the final Office Action to anything in Hasebe et al. Moreover, claim 1 recites that the request to determine attributes of the decoding process is sent from the decoding controller on the first data processing apparatus to a second data processing apparatus. Since this is an anticipation rejection, Applicants are expressly requesting the Examiner specify which elements in Hasebe et al. (e.g., vendor computer, storage medium, etc.) are alleged to read on each of the claimed first data processing apparatus, decoding controller, and second data processing apparatus.

The final Office Action alleges that the "[m]edium number is loaded from software storage medium to vendor computer, citing Hasebe et al. at column 7, line 48, as well as FIGs. 3 and 7a. However, the cited text section of Hasebe et al. merely describes the vendor setup of the storage medium *prior* to transfer to the user. In Hasebe et al., the storage medium with encrypted software thereon is sold to the user, and the user's computer need not communicate with the vendor's computer (or any other computer) during decryption and accessing of the software. See, for example, column 8, lines 39-57 of Hasebe et al. describing decryption at the

-4-

GB999141US1

user computer, and clearly not requiring any communication with the vendor computer. Just because, for example, FIG. 3 of Hasebe et al. shows a block diagram with the vendor computer, the storage and the user computer, does not mean that they all communicate at the same time.

Thus, Applicants submit that Hasebe et al. fails to disclose, teach or suggest the above-noted aspect of claim 1. Further, since Hasebe et al. fails to disclose, teach or suggest the claimed request from the decoding controller on the first data processing apparatus to the second data processing apparatus, Applicants submit that Hasebe et al. also cannot disclose, teach or suggest doing anything in response to such a request, let alone receiving determined attributes at the decoding controller of the first data processing apparatus, as claimed. Again, Applicants submit that the storage medium is not a data processing apparatus.

Therefore, Applicants submit that claim 1 cannot be anticipated by, or made obvious over Hasebe et al.

Independent claims 10-12 contain limitations similar to those argued above with respect to claim 1. Thus, Applicants submit that the remarks made above with respect to claim 1 also apply to claims 10-12. Therefore, Applicants submit that claims 10-12 also cannot be anticipated by, or made obvious over Hasebe et al.

Applicants submit that the rejected dependent claims are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For example, claim 4 recites that the determined attributes of a decoding process include identifiers of one or more of: a cryptor used in encryption and required for decryption, a compressor used in compression and required for decompression, and an authenticator for requestor authentication.

Against claim 4, the final Office Action again cites to Hasebe et al. at column 1, lines 46 and 47. However, the cited section of Hasebe et al. merely discloses encrypting a decrypting key. As set forth in the present specification at page 16, lines 17 and 18, the term "cryptor" is used to describe an encryption method/type, and not what the encryption is based on. The final Office Action commented that "an Internet search for the term 'cryptor' yields definitions

-5-

GB999141US1

including cryptographic keys." Indeed, the point here is that there is no one commonly understood meaning of "cryptor," hence use of the word "including" in the final Office Action quote. When there are multiple meanings for a term, it is standard construction to look to the specification for clarity. Moreover, Hasebe et al. fails to disclose, teach or suggest a compressor or an authenticator.

Therefore, Applicants submit that claim 4 cannot be anticipated by, or made obvious over Hasebe et al.

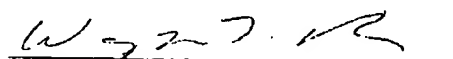
### CONCLUSION

Applicants submit that the dependent claims not specifically addressed herein are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For all the above reasons, Applicants maintain that the claims of the subject application define patentable subject matter and earnestly request allowance of claims 1-14.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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